



~~June 18, 2002 CPC~~
~~July 16, 2002 CPC~~
~~September 17, 2002 CPC~~
~~November 19, 2002 CPC~~
January 21, 2003 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

02SN0238

Douglas R. Sowers

Matoaca Magisterial District
East line of Otterdale Road

REQUEST: Various amendments to Conditional Use Planned Development (Case 88S008). (See the following for details of the requested amendments.)

PROPOSED LAND USE:

This property is part of the original Greenspring mixed use development which contained approximately 1,313 acres. The applicant wishes to proceed with developing the subject property, consisting of approximately 136 acres, independent of other portions of the original Greenspring project and amend specific requirements of the original Greenspring rezoning.

SYNOPSIS OF STAFF'S RECOMMENDATION

RECOMMEND APPROVAL OF AMENDMENTS I THROUGH IV AND VI WITH IMPOSITION OF CONDITIONS 1 THROUGH 5 AND ACCEPTANCE OF PROFFERED CONDITIONS 1 THROUGH 7 AND 9. RECOMMEND DENIAL OF AMENDMENT V RELATIVE TO ROAD IMPROVEMENTS. RECOMMEND THAT PROFFERED CONDITION 8 NOT BE ACCEPTED.

AMENDMENT I (Applicant's Amendments 1, 2, 3 and 4)

Amendment to Condition 1 of Case 88S008 to modify the approved Textual Statement to reflect the requested amendments outlined herein and substitute a new Conceptual Master Plan for the approved Conceptual Master Plan. The requirement to conform to the Conceptual Site Development Plan (see attached) would be deleted. This amendment would

allow the request property to be developed as a separate project from that portion of the remaining acreage originally-zoned and not included in this request.

With respect to land uses, the amended Master Plan deletes a golf course. The requirement to restore the "Tomahawk" and the "Ellett Hancock" structures would be deleted.

RECOMMENDATION (AMENDMENT I)

Recommend approval of Amendment I for the following reasons:

- A. Conditions of zoning approval for Case 88S008 plus the conditions stated herein insure land use compatibility and transition between uses developed on the request property and between uses developed on the request property and existing and anticipated area development.
- B. The Tomahawk structure has been destroyed by fire. The Preservation Committee determined that the Ellett Hancock structure cannot be feasibly restored due to extensive deterioration.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

CONDITIONS

1. The Textual Statement, titled Greenspring: Conditional Use and Zoning Application, revised April 1, 1988, including the "Residential Site Development Criteria" table, Exhibit IV and the conditions of zoning for Case 88S008 and the Conceptual Master Plan, prepared by Timmons, dated March 15, 2002, shall be the Master Plan for the subject property, except as stated herein. And further, provided that the subject property shall be permitted to be considered as a separate project from the remaining portion of that land area covered under Case 88S008. (P)
2. All references and requirements relating to golf in the Textual Statement and conditions of zoning for Case 88S008 shall be deleted. (P)
3. The requirement to restore the Tomahawk and Ellett Hancock structures shall be deleted. (P)
4. All references and requirements relating to the plan entitled "Conceptual Site Development Plan - Greenspring - Chesterfield County, Virginia" in the Textual Statement and conditions of zoning for Case 88S008 shall be deleted. (P)

(Note: Conditions 1 through 4 supersede Condition 1 of Case 88S008 for the request property only.)

AMENDMENT II (Applicant's Request 9)

Amendment to Condition 14 of Case 88S008 to clarify the manner in which the on-site water line distribution system will be looped with future area water line extensions. This amendment is discussed in the Utilities section of this "Request Analysis".

RECOMMENDATION (AMENDMENT II)

Recommend approval of Amendment II for the following reason:

The requested modification will clarify the manner in which the on-site water line is looped with future area water line extensions.

PROFFERED CONDITIONS

3. Water. In lieu of a water line connection to the Queensmill West development, the developer shall extend a sixteen (16) inch water line adjacent to the proposed extension of Woolridge Road from the southern boundary to the northern boundary of the request site. (U)
4. Water and Wastewater Plan. The required overall Water and Wastewater Systems Overall Plan for this development shall be submitted to the Utilities Department for review and approval at least thirty (30) days prior to the initial submission of any tentative, site, or schematic plan. This shall be accompanied by a Phasing Plan which will establish a schedule for extensions of the required water and wastewater lines incrementally with each phase of development. (U)

(Staff Note: Proffered Conditions 3 and 4 supersede Condition 14 of Case 88S008 for the request property only.)

AMENDMENT III (Applicant's Request 7)

Deletion of Conditions 7, 9, 11 and 20 of Case 88S008 relative to the design of a lake (Condition 7); submission of an overall erosion and sediment control plan (Condition 9); submission of soil studies prior to construction (Condition 11); and measures designed to protect the water quality of Swift Creek Reservoir (Condition 20). These amendments are discussed in the Environmental section of this "Request Analysis."

RECOMMENDATION (AMENDMENT III)

Recommend approval of Amendment III for the following reasons:

- A. Regulations relative to the design of lakes are part of the County's recently adopted Upper Swift Creek Stormwater Management Plan. Therefore, deletion of Condition 7 of Case 88S008 is acceptable.

- B. Erosion and sediment control plans must be submitted in accordance with County requirements. Therefore, deletion of Condition 9 of Case 88S008 is acceptable.
- C. Current County regulations require submission of soils analysis prior to construction on the request property. Therefore, deletion of Condition 11 of Case 88S008 is acceptable.
- D. Since approval of the original zoning, regulations regarding the protection of the water quality of Swift Creek Reservoir have been adopted. Current State and County regulations address water quality issues and insure protection of the Swift Creek Reservoir. Therefore, deletion of Condition 20 of Case 88S008 is acceptable.

CONDITION

- 5. The requirements of Conditions 7, 9, 11 and 20 of Case 88S008 shall be deleted for the request property only. (EE)

PROFFERED CONDITIONS

- 1. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- 2. Stormwater. End-of-pipe treatments shall be provided as necessary and as approved by Environmental Engineering. (EE)

AMENDMENT IV (Applicant's Request 8)

Deletion of Condition 30 requiring the dedication of sixty-five (65) acres and the reservation for purchase of thirty-five (35) acres for public use. This amendment is discussed in the Fiscal Impact Section of this "Request Analysis."

RECOMMENDATION (AMENDMENT IV)

Recommend approval of Amendment IV for the following reason:

The applicant has addressed the impact of this development on capital facilities, as discussed herein.

PROFFERED CONDITION

7. Cash Proffer

- a. Prior to the time of issuance of a building permit for each of the first twenty five (25) dwelling units, the applicant, subdivider, or its assignee, shall pay to the County of Chesterfield the following amount for infrastructure improvements for schools within the service district for the Property:

the amount approved by the Board of Supervisors, but not to exceed \$2,704 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2000 and July 1 of the fiscal year in which the payment is made.

- b. If any of the cash proffer is not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, it shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

(Staff Note: This condition supersedes Condition 30 of Case 88S008 for the request property only.)

AMENDMENT V (Applicant's Requests 5, 6 and 10)

Amendment to sections of the approved Textual Statement for Case 88S008 relative to access and road improvements are requested. Specifically, the following amendments are requested to modify requirements to: (1) dedicate right of way for Genito Road, Otterdale Road and Powwhite Parkway; (2) construct four (4) lanes for sections of Powwhite Parkway Extended; (3) construct four (4) lanes of Woolridge Road Extended and the Collector Loop Road, if necessary; (4) provide ditch and shoulder improvements along Genito and Otterdale Roads; (5) construct left and right turn lanes along Otterdale Road, Genito Road and Powwhite Parkway Extended, if required; (6) provide for full cost of signalization of access onto Otterdale Road, Genito Road and Powwhite Parkway Extended, if warranted; (7) two (2) lanes of pavement for Powwhite Parkway Extended and two (2) lanes of Woolridge Road Extended across adjacent property (Tax ID 719-694-5885); (8) provide a traffic analysis; (9) provide a phasing plan for these required improvements; and (10) provide initial access to the development from Powwhite Parkway Extended/Old Hundred Road. These amendments are discussed in the Transportation section of this "Request Analysis."

RECOMMENDATION (AMENDMENT V)

Recommend denial of Amendment V for the following reasons:

- A. Proffered conditions will not adequately address the traffic impact of this request on area roads and are not consistent with the commitments made for transportation improvements in the original Greenspring zoning case.
- B. The proffer relative to transportation (Proffered Condition 8) is not legal.

PROFFERED CONDITION

- 8. Road Improvements and Phasing. Unless otherwise requested by the applicant or his assignee and approved by the Chesterfield Department of Transportation (CDOT), development of the property shall be phased and road improvements shall be provided in accordance with one of the two alternatives specified below in paragraphs 8(a) and 8(b). The alternative to be utilized shall be determined by CDOT's decision which alternative to use for the improvements specified in proffer 3 of zoning case 01SN0189. If CDOT selects Alternative B under that case, then Alternative B in this case shall also apply. If Alternative A is selected under the terms of case 01SN0189, then Alternative A of this case shall also apply:

- a. Alternative A

- i) Right-of Way Dedication. Unless otherwise requested by the applicant or his assignee and approved by CDOT, the applicant or his assignee shall dedicate to the County, free and unrestricted, the following rights of way:
 - a) a two hundred (200) foot wide right of way for Powhite Parkway Extended across the northwestern corner of the property, extending approximately one thousand (1,000) feet from Otterdale Road eastward to the northeastern property line adjacent to Tax ID 7196945885;
 - b) a ninety (90) foot wide right of way for Woolridge Road (Proposed), as shown on the Master Plan (hereinafter "Woolridge Road Extended") from the southern property line of Tax ID 7166899201 adjacent to Tax ID 7196872732 to the northern property line of the subject property adjacent to Tax ID 7196945885.
 - c) an offsite ninety (90) foot wide right of way for Woolridge Road Extended from the northern property line of the subject property northward to Old Hundred Road across Tax ID

7196945885. In the event the applicant or his assignee is unable to acquire such offsite right of way, the applicant or his assignee may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the applicant or his assignee. In the event the County chooses not to assist the applicant or his assignee in acquisition of the offsite right of way, the applicant or his assignee shall be relieved of such obligation to acquire the offsite right of way and the obligation to construct any improvements thereon, as would otherwise be required by paragraph 8(a)(ii);

- d) a forty five (45) foot wide right of way for Otterdale Road adjacent to the property, measured from the center line of Otterdale Road;
- e) a sixty (60) foot wide right of way from Woolridge Road Extended across the subject property to Tax ID 7196945885 on both the east and west sides of Woodridge Road Extended; and
- f) any right of way necessary for improvements specified in paragraph 8(a)(ii).

The exact location of all such rights of way shall be approved by CDOT. The dedications specified above under paragraphs 8(a)(i)(a), (b), and (d) shall be made in conjunction with recordation of the first subdivision plat or prior to any site plan approval, whichever occurs first. Other dedications shall be made prior to the time specified under paragraph 8(a)(ii) for construction of the corresponding improvement.

- ii) Construction/Payment. Unless otherwise requested by the applicant or his assignee and approved by CDOT, in order to provide an adequate roadway system, the applicant or his assignee shall be responsible for the following:

- a) Construction of two lanes of Woolridge Road Extended from the southern property line of Tax ID 7166899201 adjacent to Tax ID 7196872732 to the northern property line of the subject property adjacent to Tax ID 7196945885;
- b) Construction of two lanes of Woolridge Road Extended offsite from the northern property line adjacent to Tax ID

7196945885 to Old Hundred Road adjacent to Tax ID 7196945885 within the right of way specified in paragraph 8(a)(i)(c).

Such improvements shall be completed, as determined by CDOT, prior to the occurrence of one of the following, whichever occurs first: (1) subdivision recordation or site plan approval for a cumulative total of more than two hundred fifty (250) lots, or equivalent densities as determined by CDOT; or (2) expiration of five (5) years from the recordation or site plan approval for a cumulative total of more than one hundred twenty five (125) lots, or equivalent densities as determined by CDOT;

- c) Construction of left and right turn lanes, if warranted based on CDOT standards, as follows: (1) along Woolridge Road Extended at each approved access within the subject property; and (2) at the intersection of Woolridge Road Extended and Old Hundred Road;
 - d) Relocation of the ditch along the east side of Otterdale Road adjacent to the subject property to provide an adequate shoulder; and
 - e) Construction of two lanes of Powwhite Parkway Extended as an Urban Principal Arterial (60 mph), with modifications approved by CDOT, across the northwestern corner of the property, extending approximately one thousand (1,000) feet from Otterdale Road eastward to the northeastern property line adjacent to Tax ID 7196945885, or, in the alternative, if requested by CDOT, payment to Chesterfield County of two hundred thousand dollars (\$200,000), as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made, in cash or, if requested by the applicant or his assignee and approved by CDOT, road improvements of equivalent value, as determined by CDOT.
- iii) Phasing Plan. Prior to the first site plan or tentative subdivision plan approval, whichever occurs first, the applicant or his assignee shall submit a phasing plan for the improvements specified in paragraph 8(a)(ii) to CDOT and shall receive its approval of such plan. Unless otherwise requested by the applicant or his assignee and approved by CDOT, such phasing plan shall include the phasing provisions specified herein.

- iv) Security. Prior to recordation or site plan approval for a cumulative total of more than one hundred twenty five (125) residential lots, or equivalent densities as determined by CDOT, the applicant or his assignee shall provide a bond, letter of credit, or other security for the improvements specified in paragraphs 8(a)(ii)(a), 8(a)(ii)(b), and 8(a)(ii)(c)(2) and for the right of way required in paragraph 8(a)(i)(c) in a form acceptable to the County Attorney and in an amount acceptable to CDOT. Such security shall guarantee that such improvements shall be provided/completed, as determined by CDOT, either: (a) prior to recordation or site plan approval for a cumulative total of more than two hundred fifty (250) residential lots, or equivalent densities as determined by CDOT, or (b) within five (5) years of the initial date of the security, whichever occurs first, unless the applicant or his assignee has been relieved of the obligation to provide such improvements and offsite right of way in accordance with paragraph 8(a)(i)(c). This paragraph shall not affect any obligation to provide a bond or other security required under the provisions of the subdivision ordinance.
- v) Access. Prior to first site plan or tentative subdivision approval, whichever occurs first, the applicant or his assignee shall submit to CDOT, and receive its approval of, a plan for access points to the property from Woolridge Road Extended.
- vi) Development Limitation. No lots or dwelling units shall be recorded or site plan approved on the property that have access southward to Genito Road until one (1) of the following conditions has been met:
 - (a) Woolridge Road Extended has been constructed, as determined by CDOT, across the property and connected with Old Hundred Road, as provided in paragraph 8(a)(ii)(b)(1); or
 - (b) Woolridge Road Extended and Watermill Parkway have been constructed, as determined by CDOT, from Genito Road to Old Hundred Road/Powwhite Parkway Extended, to provide through access from Genito Road to Old Hundred Road/Powwhite Parkway Extended across Tax ID 7196872732, Tax ID 7206898433, and Tax ID 7236922846.

b. Alternative B

- i) Right-of Way Dedication. Unless otherwise requested by the applicant or his assignee and approved by CDOT, the applicant or his assignee shall dedicate to the County, free and unrestricted, the following rights of way:

- a) a two hundred (200) foot wide right of way for Powhite Parkway Extended across the northwestern corner of the property, extending approximately one thousand (1,000) feet from Otterdale Road eastward to the northeastern property line adjacent to Tax ID 7196945885;
- b) a ninety (90) foot wide right of way for Woolridge Road Extended from the southern property line of Tax ID 7166899201 adjacent to Tax ID 7196872732 to the northern property line of the subject property adjacent to Tax ID 7196945885;
- c) a forty five (45) foot wide right of way for Otterdale Road adjacent to the property, measured from the center line of Otterdale Road;
- d) a sixty (60) foot wide right of way from Woolridge Road Extended across the subject property to Tax ID 7196945885 on both the east and west sides of Woodridge Road Extended; and
- e) any right of way necessary for improvements specified in paragraph 8(b)(ii);

The exact location of such rights of way shall be approved by CDOT. The dedications specified above shall be made in conjunction with recordation of the first subdivision plat or prior to any site plan approval, whichever occurs first

- ii) Construction/Payment. Unless otherwise requested by the applicant or his assignee and approved by CDOT, in order to provide an adequate roadway system, the applicant or his assignee shall be responsible for the following:
 - a) Construction of two lanes of Woolridge Road Extended from the southern property line of Tax ID 7166899201 adjacent to Tax ID 7196872732 to the northern property line of the subject property adjacent to Tax ID 7196945885. Such improvements shall be completed, as determined by CDOT, prior to the occurrence of one of the following, whichever occurs first: (a) subdivision recordation or site plan approval for a cumulative total of more than two hundred fifty (250) lots, or equivalent densities as determined by CDOT; or (b) expiration of three (3) years from the recordation or site plan approval for a cumulative total of more than one hundred

twenty five (125) residential lots, or for equivalent densities as determined by CDOT;

- b) Construction of left and right turn lanes along Woolridge Road Extended, if warranted based on CDOT standards, at each approved access within the subject property;
 - c) Relocation of the ditch along the east side of Otterdale Road adjacent to the subject property to provide an adequate shoulder; and
 - d) Construction of two lanes of Powhite Parkway Extended as an Urban Principal Arterial (60 mph), with modifications approved by CDOT, across the northwestern corner of the property, extending approximately one thousand (1,000) feet from Otterdale Road eastward to the northeastern property line adjacent to Tax ID 7196945885, or, in the alternative, if requested by CDOT, payment to Chesterfield County of two hundred thousand dollars (\$200,000), as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made, in cash or, if requested by the applicant or his assignee and approved by CDOT, road improvements of equivalent value, as determined by CDOT.
- iii) Phasing Plan. Prior to the first site plan or tentative subdivision plan approval, whichever occurs first, the applicant or his assignee shall submit a phasing plan for the improvements specified in paragraph 8(b)(ii) to CDOT and shall receive its approval of such plan. Unless otherwise requested by the applicant or his assignee and approved by CDOT, such phasing plan shall include the phasing requirements specified herein.
- iv) Security. Prior to recordation or site plan approval for a cumulative total of more than one hundred twenty five (125) residential lots, or equivalent densities as determined by CDOT, the applicant or his assignee shall provide a bond, letter of credit, or other security for the improvements specified in paragraph 8(b)(ii)(a) and for any offsite right of way specified in paragraph 8(b)(i)(b) in a form acceptable to the County Attorney and in an amount acceptable to CDOT. Such security shall guarantee that such improvements shall be provided/completed, as determined by CDOT, either (a) prior to recordation of site plan approval for a cumulative total of more than two hundred fifty (250) residential lots or equivalent densities as determined by CDOT, or (b) within three (3) years of the initial date

of security, whichever occurs first. This paragraph shall not affect any obligation to provide a bond or other security required under the provisions of the subdivision ordinance.

- v) Access. Prior to first site plan or tentative subdivision approval, whichever occurs first, the applicant or his assignee shall submit to CDOT, and receive its approval of, a plan for access points to the property from Woolridge Road Extended.
- vi) Development Limitation. No lots or dwelling units shall be recorded or site plan approved on the property that have access southward to Genito Road until one (1) of the following conditions has been met:
 - (a) Two (2) lanes of Powhite Parkway Extended and two (2) lanes of Woolridge Road Extended have been constructed, as determined by CDOT, so that access is provided from Old Hundred Road westward along the right of way for Powhite Parkway Extended and across Tax ID 7196945885 to the northern property line of the subject property; or
 - (b) Woolridge Road Extended and Watermill Parkway have been constructed, as determined by the Transportation Department, from Genito Road to Old Hundred Road/Powhite Parkway Extended, to provide through access from Genito Road to Old Hundred Road/Powhite Parkway Extended across Tax ID 7196872732, Tax ID 7206898433, and Tax ID 7236922846.

(Staff Note: This condition supersedes Textual Statement Items 14, 15, 20, 21 and 22 of Case 88S008 for the request property only.)

AMENDMENT VI

The applicant has offered three (3) additional proffered conditions that address minimum gross floor area and restrictive covenants applying to single family detached dwelling unit development only, and a covenant prohibiting manufactured homes.

RECOMMENDATION (AMENDMENT VI)

Recommend that Proffered Conditions 5, 6 and 9 be accepted with the understanding that the application of Proffered Conditions 5 and 6 are exclusive to single family detached development. Conditions of Case 88S008 also permit the construction of attached and semi-detached dwelling units to which these proffered conditions would not apply. Further, the current Ordinance would not permit manufactured homes; however, should pending State legislation be adopted, Proffered Condition 9 may, or may not, have the effect of prohibiting manufactured homes.

PROFFERED CONDITIONS

5. Minimum Square Footage for Single Family Detached Homes. All dwellings built as Single Family Detached homes in accordance with section 4B(4)(B) of the Textual Statement and Exhibit IV thereto shall have the following minimum gross floor area:
- i. 1 story 1,700 square feet;
 - ii. More than 1 story 2,000 square feet. (P)
6. Covenants for Single Family Detached Homes. For all properties containing Single Family Detached homes in accordance with section 4B(4)(B) of the Textual Statement and Exhibit IV thereto, the following Declaration of Restrictions shall be recorded in conjunction with the recordation of any subdivision plat:

THE OWNERS do hereby declare that said property is to be held, owned, conveyed, used and occupied subject to the following restrictive covenants:

- (i) An Architectural Review Committee, hereinafter called "ARC" shall be comprised of Douglas R. Sowers, his heirs, personal representatives, successors, and assigns, any of which may act. The ARC shall coordinate each residence and lot and shall establish reasonable rules and regulations relating to the procedure for architectural approvals and general guidelines for architectural plans according to the following architectural guidelines:

All plans to be approved prior to commencement of construction on each lot. House location to be approved prior to construction.

Roof

Minimum 7/12 pitch

Minimum 12" overhang

No uncolored galvanized flashing

Foundation

Brick foundations

Brick or stone on chimney chases

Dwelling

Main body of house to be a minimum of 30 feet in width

No single story homes adjacent to each other

Stoops and walks

Brick stoops or painted fir (no salt treated stoops except when approved by ARC)

Minimum 40 sq. ft.

Concrete sidewalks

Painted lattice under front porches - painted risers on steps, painted pickets and painted band on front porches

Siding

Panel shutters on front windows
Minimum 1 x 6 rake and fascia boards
No Tl-11 siding

Landscaping

\$300 allowance for shrubs
White painted mailbox and lamp post consistent throughout subdivision
Builder to leave as many trees as possible over 6 inches at the base

Base

3 color exterior paint except for 2 colors if painted white
Satellite Dishes and swimming pool design, location and screening to be approved prior to installation.

The ARC reserves the right to modify the above restrictions or any other imposed deed restrictions in all or in part without notice. In addition, the ARC reserves the right to make special exceptions to these conditions on an individual basis; however, any special exception(s) shall not be deemed as a waiver of the restriction(s) as they may apply in the future.

The ARC reserves the right to disallow construction of architecturally similar homes adjacent to each other.

The ARC shall not be liable to any Owner or to any other person on account of any claim, liability, damage, or expense suffered or incurred by or threatened against an Owner or such other person arising out of or in any way relating to the subject matter of any review, acceptances, inspections, permissions, consents, or required approvals which must be obtained from the ARC whether given, granted or withheld.

- ii) Repairs, changes in color, excavations, changes in grade, major landscaping, or other work which in any way alters the exterior appearance of any Lot or improvement located thereon from its natural or improved state existing on the date such Lot was first conveyed in fee by Douglas R. Sowers to an owner (including clearance of trees and vegetation, driveways, entrance ways, fences, mailboxes, and lamp post structures), shall be made or done until the plans, specifications, working drawings, and proposals for the same

showing the nature, kind, shape, type, color, materials, and location of the improvements on the Lot and a landscaping plan shall have been submitted to and approved in writing as to harmony of external design and location in relations to surrounding structures, topography, and applicable governmental requirements by the ARC.

- iii) All easements along road frontage and lot lines as shown on the aforesaid subdivision plat are hereby reserved unto the developer, his personal representatives, heirs, assigns, or agents, for the purpose of drainage or furnishing light, telephone or any other utility to the property.
- iv) Lots shall be occupied and used as follows:
 - a) Lots shall be used for private residential purposes only and no building of any kind whatsoever shall be erected or maintained thereon except for:
 - (1) One private dwelling house with each dwelling being designated for occupancy by a single family.
 - (2) Private garages for the sole use of the respective owners of the Lots upon which such garages are erected.
 - b) A single building for the storage of non-commercial vehicles, boats, equipment, and tools used in maintenance of the Lot upon which erected.
- v) No building shall be located on any Lot nearer to any street or to a side line than is permitted under the applicable local zoning ordinance in effect at the time such building is constructed.
- vi) No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any Lot at any time as a residence either temporarily or permanently.
- vii) The construction of any structure on a Lot shall be completed within a period of nine (9) months after the beginning of construction. During construction, the Lot shall be maintained in a clean and uncluttered condition, free of unnecessary accumulation of waste and building debris.

- viii) It is the responsibility of each Owner to prevent the development of any unclean, unsightly, or unkempt condition of buildings or grounds on his Lot. All improvements on each Lot shall be kept in good repair, and, where necessary, painted on a regular basis. No portion of the property shall be used or maintained as a dumping ground for rubbish. Outdoor burning of leaves, trash, or other debris shall not be permitted. All trash, garbage, and other waste shall be kept in sanitary containers which shall be surrounded by wooden screening with such screening being approved by the ARC, or otherwise out of sight from the street.
- ix) No nuisance or offensive activity shall be permitted or maintained upon any Lot, nor shall any poultry, hogs, rabbits, cattle, or other livestock be kept thereon with the exception of dogs, cats, or other normal household animals kept as pets thereon in numbers not exceeding those permitted by the law, provided they are not kept, bred or maintained for any commercial purposes, and must be kept under control of their owner when outside owner's premises, nor constitute a nuisance in the opinion of the ARC, its successors or assigns. No use shall be made of any Lot which will depreciate or adversely affect the surrounding Lots or the property.
- x) Each residence constructed on a Lot shall be connected to a public sewer.
- xi) No Lot shall be further subdivided without prior written consent of the ARC. However, the developer hereby expressly reserves for itself, its successors, and assigns, the right to re-subdivide any Lot or Lots shown on any recorded plan of subdivision of the property prior to the delivery of a deed to said Lot or Lots without the prior written consent of any Lot Owner.
- xii) Except for emergencies, which emergencies must be proven to the satisfaction of the ARC, no trees with a diameter of six (6) inches or more, measured two (2) feet from the ground, flowering trees, shrubs, or evergreens may be cleared from any Lot without prior written permission of the ARC. In the event a Lot Owner violates this covenant, the Lot Owner will be fined \$25.00 per inch for every such tree removed and it shall be assumed that each tree had a diameter of twelve (12) inches.
- xiii) No commercially licensed vehicles, motor vehicles, recreational vehicles, boats, disabled vehicles, vehicles without a current state license or state inspection sticker, machinery, or other equipment

shall be visible from the street for a period exceeding twenty-four (24) hours. Any screening of such vehicles must be approved by the ARC. This covenant shall not apply to vehicles and equipment used in connection with construction upon Lots, while such construction is in progress, or in connection with the development of the property. It shall be the responsibility of each Owner to construct and maintain suitable and adequate parking space on his Lot and all vehicles shall be parked thereon.

- xiv) The operation of unlicensed motor bikes, ATV's, and motorcycles on the lots and entrance area shall be subject to regulation by the Owners and may be prohibited entirely.
- xv) No external illumination on any Lot shall be of such a character or intensity or so located as to interfere with any other Owner's use or enjoyment of his Lot. No neon or flashing lights shall be permitted. All external lighting must be approved as to size and intensity by the ARC.
- xvi) Except during construction, no signs of any kind shall be displayed to the public view on any lot except:
 - a) One sign not exceeding four (4) square feet in areas used for the purpose of advertising the Lot for sale or rent: and
 - b) One sign not exceeding four (4) square feet in areas which identify the resident occupying the Lot, the name of the Lot, or both.
- xvii) No temporary, portable, or above-ground swimming pools may be erected on any Lot that will be visible from the street.
- xviii) No outside antennas, television or otherwise, shall be permitted; provided, however, that until cable television becomes available to the property, exterior television antennas shall be permitted, provided that they do not extend more than five (5) feet past the roof line of any dwelling. No satellite dishes shall be visible from the street.
- xix) No construction shall be permitted without appropriate erosion control so as to prevent the discharge of any soil or other materials onto any other Lot or Common Area. The ARC may establish reasonable rules and regulations establishing a maximum percentage of any Lot which may be covered by a building, driveway, or other structure

- xx) No fences or walls not constituting a part of a building shall be erected, placed or altered on any Lot nearer to any street than the minimum exterior setback line, but in no case shall it extend further forward than the rear of the house except with the approval of the ARC.
- xxi) No shrubs, trees, fences or structures of any type shall be erected which may partially or fully block vehicular sight distance, as set forth in the Virginia Highway Department regulations, on any roadway.
- xxii) No lot owner shall disturb or siltate shoulder, backslopes, ditches, pavement, curb and gutter, driveway culverts, or any other improvements within the public right-of-way. Each Lot Owner agrees to be responsible for disturbances, damages, and/or siltation caused by themselves, their employees, suppliers, contractors, or others, and shall have fourteen (14) days from the receipt of a letter from the developer and/or the ARC to correct the damage. If a Lot Owner fails to correct the damage in a workmanlike manner, then the developer or its assigns shall have the right to correct the damage and bill the Lot Owner directly on a cost-plus-fifty-percent (50%) basis. If a Lot Owner does not make payment within thirty (30) days of presentation of the bill, a two percent (2%) per month service charge shall be applied to such bill.
- xxiii) Any one or more of the Covenants and Restrictions imposed in Paragraphs a through v hereof may be waived, modified, or rescinded, in whole or in part, as to all of the property or any Lot, by written instrument of the ARC.
- xxiv) Invalidation of any of these covenants and conditions, by court adjudication or otherwise shall in no way modify, affect, or ~~invalidate~~ any of the other covenants and conditions contained herein which shall remain in full force and effect.
- xxv) Each and every covenant and condition herein imposed may be enforced by the undersigned or the owner of any Lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and/or recover damages therefore. The failure of an owner or the undersigned to bring any such proceeding shall not be considered as a waiver of any rights at law or in equity that any such party may have for past or future violation of any covenant herein contained

xxvi) These covenants and conditions are to run with the land and shall be binding upon subsequent owner or owners and all parties claiming through or under such owner or owners for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the owners of the Lots has been recorded, revoking said covenants, or agreeing to change said covenants in whole or in part. (P)

9. Covenant Prohibiting Manufactured Homes. Prior to recordation of any subdivision plat or approval of any site plan for residential development, a restrictive covenant shall be recorded which precludes siting or locating any manufactured home within such subdivision or residential development and which precludes the revision of such restrictive covenant to remove such prohibition unless the zoning is amended to allow removal of such covenant. (P)

GENERAL INFORMATION

Location:

East line of Otterdale Road, south of Gamecock Road. Tax ID 718-691-6889 (Sheet 9).

Existing Zoning:

O-2 and R-9 with Conditional Use Planned Development

Size:

136.3 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North – A; Vacant

East – O-2 and R-9 with Conditional Use Planned Development; Community Recreation

South – R-9 and O-2 with Conditional Use Planned Development and R-15; Vacant

West – A; Vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the north side of Genito Road, approximately 5,300 feet south of the request site. Extension of an appropriately sized water line along the right of way of the future North Woolridge Road will be necessary to serve the request site. The use of the public water system is required by a previous condition of zoning. (Case 88S008, Condition 13)

To address future development, the applicant has proffered to extend a sixteen (16) inch water line along the proposed route of North Woolridge Road from the southern boundary to the northern boundary of the site. (Proffered Condition 3)

The applicant has proffered to submit for review and approval a Water and Wastewater Systems Overall Plan for this development. That plan will be accompanied by a phasing plan which establishes a schedule for incremental water system extensions with each phase of the development. (Proffered Condition 4)

Public Wastewater System:

There is an existing sixty (60) inch wastewater trunk line extending along the north side of Genito Road, approximately 5,300 feet south of the request site. This existing sixty (60) inch wastewater trunk line is a portion of the Upper Swift Creek Transport System. A portion of this wastewater trunk was originally required by a previous condition of zoning, as well as the dedication of easements to the County for this construction (Case 88S008, Conditions 15 and 16). Subsequent to the approval of Case 88S008, the County completed construction of the Upper Swift Creek Transport System; thus satisfying the requirements of Condition 16.

The use of the public wastewater system is required by a previous condition of zoning (Case 88S008, Condition 13). The request site drains toward Tomahawk Creek. Extension of an appropriately sized wastewater trunk line along Tomahawk Creek, from the existing sixty (60) inch wastewater trunk line to the northern boundary of this site, will be necessary to provide public wastewater service. Extension of the Tomahawk Creek wastewater trunk lines is required by a previous condition of zoning. (Case 88S008, Condition 15)

The applicant has proffered to submit for review and approval a Water and Wastewater Systems Overall Plan for this development. That plan will be accompanied by a phasing plan which establishes a schedule for incremental water system extensions with each phase of the development. (Proffered Condition 4)

ENVIRONMENTAL

Drainage and Erosion:

Currently, there are no existing on-site erosion or drainage problems with none anticipated after development. Although Tomahawk Creek currently exhibits signs of natural stream degradation, the degradation should be stabilized or improved with the environmental measures that will be implemented with this project and the proposed enhancements to the floodplains. The property is heavily wooded and, as such, should not be timbered until the issuance of a land disturbance permit. This will insure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 1)

Water Quality:

The property drains into the reservoir via Tomahawk Creek, which borders the eastern property line. Since Tomahawk Creek is a perennial stream, the property will be subject to a 100 foot conservation area along the creek. Also along the eastern property line are proposed, enhanced floodplain-structures that are part of the regional watershed plan. The tributary that drains through the center of the property and forms a portion of the northern property line is a Riparian Corridor Management-NRPA, which prohibits disturbance of the natural vegetation within the 100-year floodplain except as permitted by Ordinance. For additional protection of the reservoir, some form of end-of-pipe treatment will be required and determined at time of construction plan review. (Proffered Condition 2)

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that emergency services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Public Facilities Plan. Based on 1,553 dwelling units, this request could generate approximately 400 calls for fire and EMS service each year. The proposed zoning amendment will not result in any additional dwelling units over the number of units permitted on this portion of the request under Case 88S008. Consequently, there is no net increase in the impact on capital facilities resulting from this request.

This property is currently served by the Swift Creek Fire/Rescue Station, Company Number 16. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately 823 school age children could be generated by this development. The site lies in the Watkins Elementary School attendance zone: capacity - 750, enrollment - 781; Midlothian Middle School zone: capacity - 1,260, enrollment - 1,325; and Midlothian High School zone: capacity - 1,625, enrollment - 1,561.

Currently, there are two (2) trailers at Watkins Elementary School and five (5) trailers at Midlothian Middle School. The applicant has agreed to participate in the cost of providing for area school needs. (Proffered Condition 7)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Taking into account the additional space provided by the new La Prade and Chester Libraries, there is still a projected need for additional library space throughout the County.

This development would likely affect the existing Midlothian Library or a possible new branch in the Genito Road/Powwhite Parkway area as proposed by the Public Facilities Plan. The proposed zoning amendment will not result in any additional dwelling units over the number of units permitted on this portion of the request under Case 88S008. Consequently, there is no net increase in the impact on capital facilities resulting from this request.

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. There is currently a shortage of community park acreage in the County. The Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations. The proposed zoning amendment will not result in any additional dwelling units over the number of units permitted on this portion of the request under Case 88S008. Consequently, there is no net increase in the impact on capital facilities resulting from this request.

Transportation:

The applicant is requesting relief of most all transportation conditions from the Original Greenspring zoning. The applicant has submitted a proffer which attempts to establish access for development of the subject property by utilizing the two (2) road access alternatives (Alternative A and Alternative B), which are outlined in the zoning requirements (Case 01SN0189) on the adjacent property to the south (Proffered Condition 8). Staff recommends denial of this request because it does not adequately address the traffic impact of this development, and is not consistent with the commitments as outlined in the Original

Greenspring zoning. In addition, the County Attorney's Office has indicated that Proffered Condition 8, as written, is not legal.

Background

In 1988, the Board of Supervisors approved a Conditional Use Planned Development (Case 88S008 "Original Greenspring Project") on approximately 1,300 acres for a mixed-use development that included retail, office and residential land uses. With that approval, the Board accepted the Textual Statement that includes several transportation conditions addressing maximum density, right of way dedications, access control and construction of mitigating road improvements. Conditions of zoning approval for Case 88S008 restricted the maximum density of the Original Greenspring Project to 2,303 residential units, 193,000 square feet of retail, 1,250,000 square feet of office and a 300-room inn/conference center or equivalent densities based on traffic generation. Original Greenspring Project was anticipated to generate approximately 43,360 average daily trips.

The major road improvements required by the Original Greenspring Project include: 1) construction of four (4) lanes of Powhite Parkway Extended across the Original Greenspring Project; 2) construction of two (2) additional lanes of Powhite Parkway Extended from the Original Greenspring Project to Brandermill Parkway; 3) construction of four (4) lanes of Woolridge Road Extended and Collector Loop Road, if necessary; and 4) construction of two (2) lanes of Powhite Parkway Extended and two (2) lanes of Woolridge Road Extended across an adjacent parcel (identified as Parcel 8 on the Master Plan). A condition of the Original Greenspring Project zoning requires that a phasing plan for these required road improvements be approved by the Transportation Department.

Another condition of the Original Greenspring Project zoning requires that initial access for the development will be provided via Powhite Parkway Extended/Old Hundred Road. The "initial access" condition was provided as part of the original Greenspring zoning to insure that the major traffic impact generated by the development would be directed towards Powhite Parkway Extended and not towards the Genito Road area.

In 1995, the Board of Supervisors approved amendments to the Original Greenspring Conditional Use Planned Development to allow development of approximately 810 acres ("Phase I Greenspring") independently of the Original Greenspring Project. The 1995 amendment did not relieve the Phase I Greenspring developers of required road improvements, except for right of way dedications across properties they did not control.

As required by a condition of the Original Greenspring Project, the Phase I developer submitted a phasing plan for the entire Greenspring Project. After evaluating the proposal, staff agreed to a Phase I consisting of the following road improvements: 1) two (2) lanes of the required four (4) lanes for Woolridge Road Extended, with adequate turn lanes, from Genito Road north to its intersection with the Collector Loop Road; and 2) two (2) lanes for Collector Loop Road, with adequate turn lanes from Woolridge Road Extended to Powhite Parkway Extended/Old Hundred Road.

In March 2002, the Board of Supervisors again approved amendments to the Original Greenspring Conditional Use Planned Development to allow an additional 282 acres ("Phase II Greenspring") to be developed independently of the Original Greenspring Project and of Phase I Greenspring. The 2002 amendment did relieve the Phase II Greenspring developer of most all transportation conditions outlined in the Original Greenspring zoning. A proffered condition of that zoning approval (Proffered Condition 3) requires that property to be developed based on one (1) of two (2) road access alternatives (Alternative A and Alternative B). Alternative A includes a requirement for the Phase II Greenspring developer to dedicate a ninety (90) foot wide right of way and construct two (2) lanes of Woolridge Road Extended from that property to Old Hundred Road. Alternative B includes a requirement for the Phase II Greenspring developer to provide \$800,000 toward the construction of Powhite Parkway Extended and a section of Woolridge Road Extended. In order to construct this improvement partial public funding is required. Unless the Transportation Department notifies the applicant within a specific time frame that the County wants the development to occur under Alternative B conditions, the Phase II Greenspring developer is permitted to develop the property in accordance with Alternative A conditions.

In April 2002, the Board appropriated funds towards construction of Alternative B improvements. Staff has recently completed part of the preliminary engineering on Alternative B improvements, and has determined that the estimated cost is now significantly higher than the preliminary budget, which includes the Phase II developer's \$800,000 contribution.

Current Request

The subject property, consisting of approximately 136 acres, was included in the Original Greenspring Project, but not in Phase I or Phase II Greenspring. Current zoning would allow up to 15,000 square feet per acre of commercial/office on approximately ninety-five (95) acres, and up to three (3) residential units per acre on approximately forty-one (41) acres. The ninety-five (95) acres could also be developed for residential use. This request will not limit development to a specific land use or density; therefore, it is difficult to anticipate traffic generation. Development of Phase III Greenspring for general office and residential uses could generate approximately 10,500 average daily trips.

Vehicles generated by the development will be distributed along Otterdale Road, Genito Road and Old Hundred Road, which had 2002 traffic counts of 1,155, 11,227 and 6,301 vehicles per day, respectively, and Woolridge Road, which had a 2001 traffic count of 7,942 vehicles per day.

Sections of Otterdale Road have nineteen (19) to twenty (20) foot wide pavement with no shoulders. Sections of Genito Road have twenty (20) to twenty-one (21) foot wide pavement with no shoulders. Sections of Old Hundred Road have twenty-one (21) to twenty-two (22) foot wide pavement with no shoulders. These roads have substandard vertical and horizontal alignments. The capacity of these roads is acceptable for the volume of traffic they currently

carry. The standard typical section for Otterdale Road, Gentio Road, and Old Hundred Road should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders.

Sections of Woolridge Road between Timber Bluff Parkway and Genito Road have twenty (20) to twenty-one (21) foot wide pavement with no shoulders, and guardrail immediately adjacent to the road. The section of Woolridge Road across the Swift Creek Reservoir is not in the State Highway System, and is the responsibility of the County. The current volume of traffic on this section of Woolridge Road exceeds the capacity of the road. This section of Woolridge Road should be improved to a four (4) lane divided roadway.

As previously stated, roads in this area have narrow pavement widths, little or no shoulders and poor vertical and horizontal alignments. The traffic generated by this development will significantly increase the need for transportation improvements in this area.

No road improvement projects in this area of the County are included in the Secondary Road Six-Year Improvement Plan, except for a project to construct turn lanes at the Woolridge Road/Genito Road intersection. This project is currently underway and is anticipated to be complete in early Spring 2003.

The applicant (Phase III developer) has proffered to construct two (2) lanes of Powhite Parkway Extended from Otterdale Road across the subject property, a total distance of approximately 1,000 feet. The applicant has also attempted to proffer a condition that would allow development of the subject property to occur under the same two (2) road access alternatives (Alternative A and Alternative B) described in the Phase II Greenspring case. As previously stated, the County Attorney's Office has indicated this proffered condition, as written, is not legal.

With the financial shortfall for constructing Alternative B road improvements, it appears that Phase II Greenspring will be developed under Alternative A. As requested, the Phase III Greenspring developer would follow this same road access alternative. This alternative will not adequately address the traffic impact of this development on area roads.

Development of Phase III Greenspring should include a commitment for construction of Powhite Parkway Extended from its current terminus, west to Woolridge Road Extended, and Woolridge Road Extended from Powhite Parkway Extended, south to the northern boundary of the subject property. The proffer in this application will not provide these improvements; therefore, staff cannot support this request.

Financial Impact on Capital Facilities:

The proposed zoning amendment will not result in any additional dwelling units over the number of units permitted on this portion of the originally planned residential community governed by zoning case 88S008. Accordingly, there is no net increase in the impact on capital facilities resulting from this request. However, under the conditions of case 88S008, the dedication of sixty-five (65) acres and the reservation for purchase of an additional thirty-

five (35) acres was proffered for use by County Schools. The requirement for the reservation of land for purchase is no longer applicable. The time has expired to exercise that option.

Under the proposed requested amendment, the applicant has proffered the payment of cash in lieu of dedicating a proportionate amount of the sixty-five (65) acres of land to the County. The proportionate amount of land being proffered for conversion to cash is approximately 6.8 acres. The amount of cash proffered, to be paid on a per dwelling unit basis, equates to \$67,600, or \$9,940 per acre. The cash proffer states that the payments will be made on the first twenty-five (25) dwelling units. Staff finds this proffer acceptable. (Proffered Condition 7)

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for a mix of regional-scale office, commercial, light industrial, townhouse and multi-family development as well as single family residential use of 2.0 units per acre or less.

Area Development Trends:

Properties to the north and west are zoned Agricultural (A) and are vacant. Properties to the east and south are zoned Residential (R-9 and R-15) and Corporate Office (O-2) and are part of the original Greenspring development not included in this request. These parcels are currently occupied by community recreational uses or are vacant. Property to the east and southeast were previously approved for development independent of the original Greenspring I Project. (Cases 95SN0307 and 01SN0189)

Zoning History:

On May 25, 1988, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning on the request property and adjacent property to the north, east and south from Agricultural (A) and Residential (R-15) to Residential (R-9) and Office Business (O) with Conditional Use Planned Development to permit a mix of residential, office, commercial and recreational uses (Case 88S008), subject to a number of conditions. This project, which contained approximately 1,313 acres, was commonly known as Greenspring.

On September 27, 1995, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved various amendments to Case 88S008, affecting an 809 acre portion of the original Greenspring development, adjacent to, east and south of, the subject property (Case 95SN0307). These amendments were similar to those requested in this application.

On March 27, 2002, the Board of Supervisors, upon a recommendation by the Planning Commission that was favorable with the exception of the deletion of road improvements,

approved various amendments to Case 88S008, affecting a 282 acre portion of the original Greenspring development, adjacent to and south of, the subject property (Case 01SN0189). These amendments are similar to those requested in this application.

Master Plan:

The applicant is requesting that Condition 1 of Case 88S008 be modified to reflect the amendments discussed herein, substitute a new conceptual Master Plan and delete the requirement to conform to the Conceptual Site Development Plan. This amendment would also allow this 136 acre parcel to be developed independent of the remaining 1,313 acres originally zoned. As previously noted, in 1995 and 2002, adjacent 809 and 282 acre tracts representing a portion of the original Greenspring development, were approved for development independent of the originally zoned acreage (Cases 95SN0307 and 01SN0189). Therefore, with approval of this request, 86 acres of the original Greenspring property will remain under the conditions of the original Master Plan.

The revised Master Plan also deletes the golf course.

Restoration of the Tomahawk and Ellett Hancock Structures:

Conditions of zoning require that the Tomahawk and Ellett Hancock structures be restored. The Tomahawk structure has been destroyed by fire. The Preservation Committee determined that restoration of the Ellett Hancock structure is not feasible.

Dwelling Unit Sizes and Restrictive Covenants:

Proffered Condition 5 requires a minimum gross floor area of 1,700 square feet for one (1) story and 2,000 square feet for more than one (1) story single family detached dwelling units. Conditions of Case 88S008 permit a variety of housing types on the subject property to include estate, cluster, villa, single family attached, multi-family and retirement units. This proffered condition, which is specific to single family detached units, would not apply to any other type of dwelling unit constructed on the property.

Proffered conditions would also require recordation of restrictive covenants for the subject property, applicable to single family detached dwelling units and a prohibition on manufactured homes (Proffered Conditions 6 and 9). As previously noted, Proffered Condition 6 would not apply to any other type of dwelling unit constructed on the property. Further, the current Ordinance would not allow manufactured homes; however, there is pending State legislation which proposes to mandate that localities allow manufactured homes in those districts which allow single family dwellings constructed to the Uniform Statewide Building Code. Should these State legislation be adopted, depending upon the final language, Proffered Condition 9 may, or may not, have the effect of prohibiting manufactured homes. The County will only insure the recordation of the covenants and will not be responsible for their enforcement. Once the covenants are recorded, they can be changed.

CONCLUSIONS

The proposed amendments relative to the approved Master Plan, restoration of the Ellett and Tomahawk dwellings and provision of a golf course (Amendment I); utilities (Amendment II); drainage and erosion and water quality (Amendment III); and dedication and reservations (Part of Amendment IV) are consistent with amendments previously approved for an adjacent portion of the Greenspring Project (Cases 95SN0307 and 01SN0189). Further, such amendments would permit the applicant to proceed with developing the subject property independent of adjacent portions of the original Greenspring Project. In conjunction with these amendments, it is recommended that Proffered Conditions 1 through 5, 7 and 8 be accepted and that Conditions 1 through 5 be imposed. It is also recommended that Proffered Conditions 6 and 9 be accepted, addressing square footage and restrictive covenants (Amendment VI) with the understanding that these proffers apply to single family detached development only.

It is recommended that Amendment V, requesting relief to most all transportation conditions of the Original Greenspring Project (Case 88S008), be denied. Proffered Condition 8 does not adequately address the traffic impact of this portion of the development on area roads and is not consistent with the commitments as outlined in the original Greenspring zoning. Further, Proffered Condition 8, as written, is not legal. In conjunction with this recommendation, Proffered Condition 8 should not be accepted.

CASE HISTORY

Planning Commission Meeting (6/18/02):

At the request of the applicant, the Commission deferred this case to July 16, 2002.

Staff (6/19/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than June 24, 2002, for consideration at the Commission's July public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Staff (7/16/02):

The deferral fee was paid.

Planning Commission Meeting (7/16/02):

At the request of the applicant, the Commission deferred this case to September 17, 2002.

Staff (7/17/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than July 22, 2002, for consideration at the Commission's September public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (8/1/02):

The deferral fee was paid.

Staff (8/15/02):

To date, no new information has been submitted.

Planning Commission Meeting (9/17/02):

At the request of the applicant, the Commission deferred this case to November 19, 2002.

Staff (9/18/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than October 20, 2002, for consideration at the Commission's November public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (11/1/02):

The deferral fee was paid.

Staff (11/1/02):

To date, no new information has been submitted.

Planning Commission Meeting (11/19/02):

At the request of the applicant, the Commission deferred this case to January 21, 2003.

Staff (11/20/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than November 25, 2002, for consideration at the Commission's January public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (11/25/02):

The deferral fee was paid.

Staff (12/27/02):

To date, no new information has been submitted.

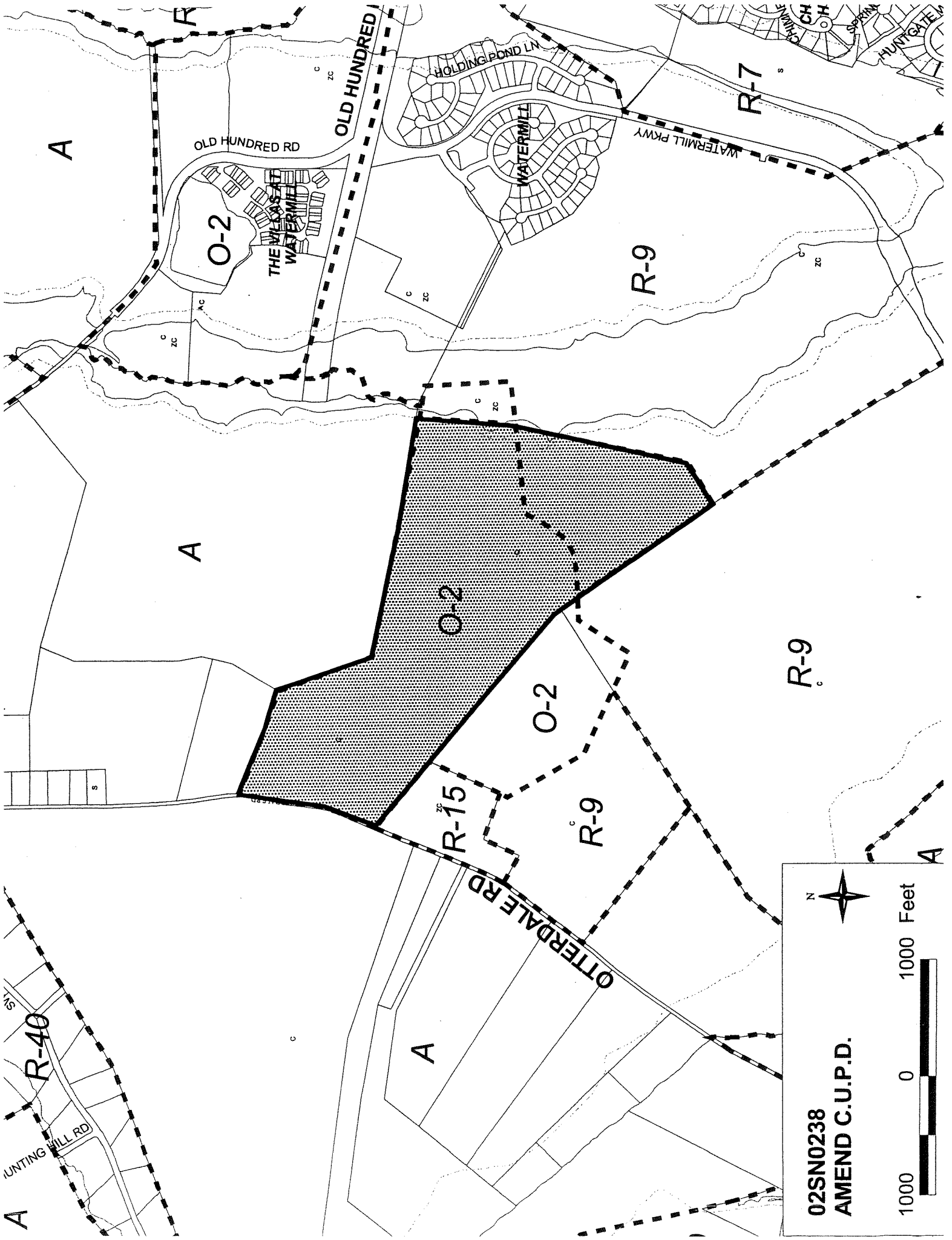
TEXTUAL STATEMENT
(AMENDMENT TO CASE 88S008)

1. The Textual Statement, titled Greenspring: Conditional Use and Zoning Application, revised April 1, 1988, including the "Residential Site Development Criteria" table, Exhibit IV and the conditions of zoning for Case 88S008 and Conceptual Master Plan, prepared by Timmons dated March 15, 2002, shall be the Master Plan for the subject property, except as stated herein. And further, provided that the subject property shall be permitted to be considered as a separate project from the remaining portion of that land area covered under 88S008.
2. All references and requirements relating to golf in the Textual Statement and conditions of zoning for Case 88S008 shall be deleted.
3. The requirement to restore Tomahawk and the Ellett and Hancock structures shall be deleted.
4. All references and requirements relating to the plan entitled "Conceptual Site Development Plan -- Greenspring -- Chesterfield County, Virginia" in the Textual Statement and conditions of zoning for Case 88S008 shall be deleted.
5. The requirements to dedicate right of way along that portion of Powhite Parkway Extended, Conditions 14 and 15 of the Textual Statement Case 88S008 which are not within the limits of the subject property, shall be deleted.
6. The requirements of conditions 20 A, B, C, D, E, F, G, and 21, 22 of the Textual Statement for Case 88S008 shall be deleted. Two lanes of Woolridge Road will be built as a requirement of this case.
7. The requirements of Conditions 7, 9, 11, and 20 of Case 88S008 shall be deleted.
8. The requirements of Condition 30 of Case 88S008 shall be deleted.
9. The requirements of Condition 14 of Case 88S008 shall be deleted.

10. The requirements of Condition 17 of the Textual Statement for Case 88S008 shall be deleted.

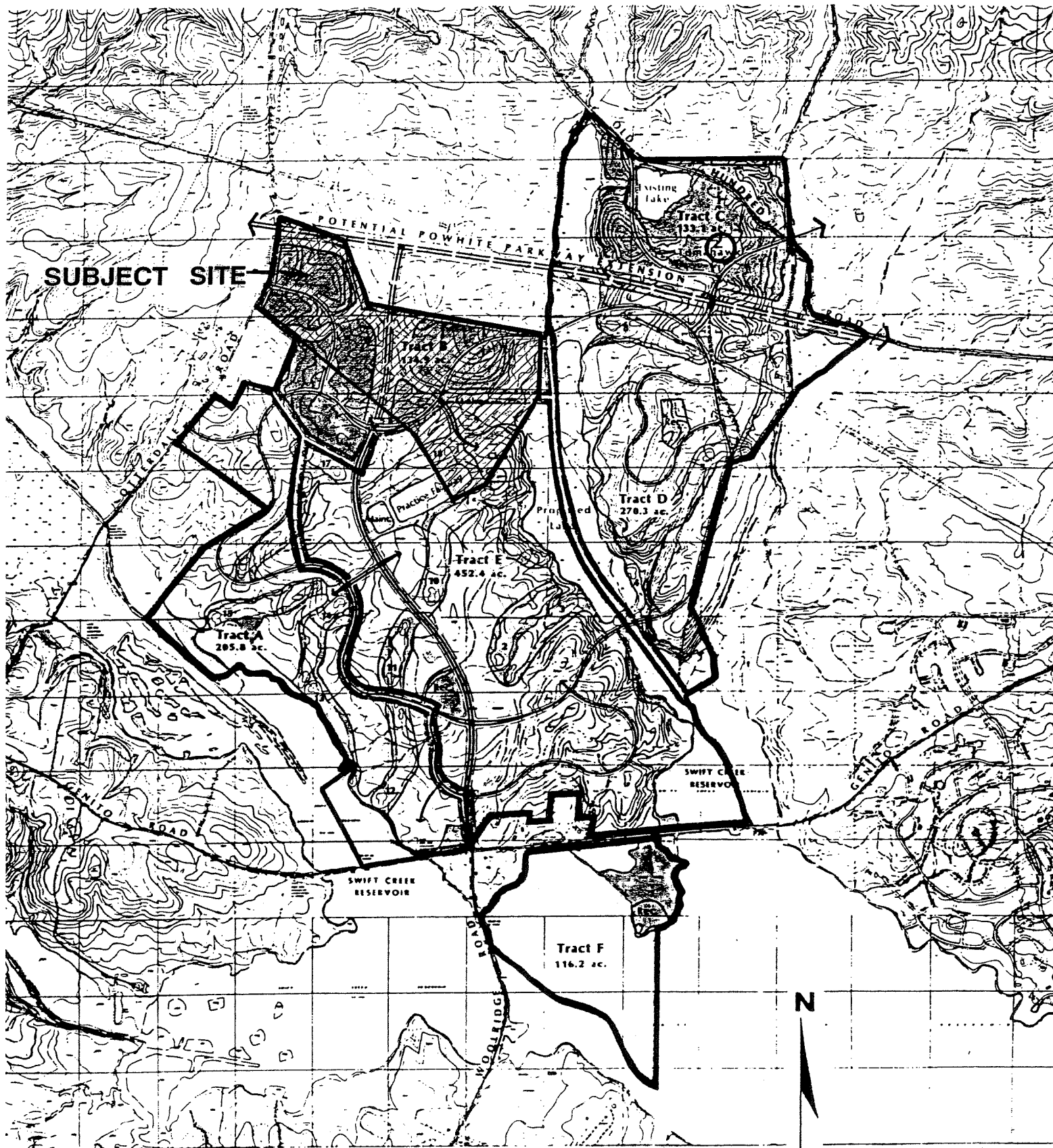
A.E. DICK HOWARD and
A.E. DICK HOWARD, SOLE
TRUSTEE OF THE THOMAS L.
HOWARD, JR. FAMILY TRUST

By: John R. Easter
John R. Easter, Attorney in Fact
Date: March 15, 2002



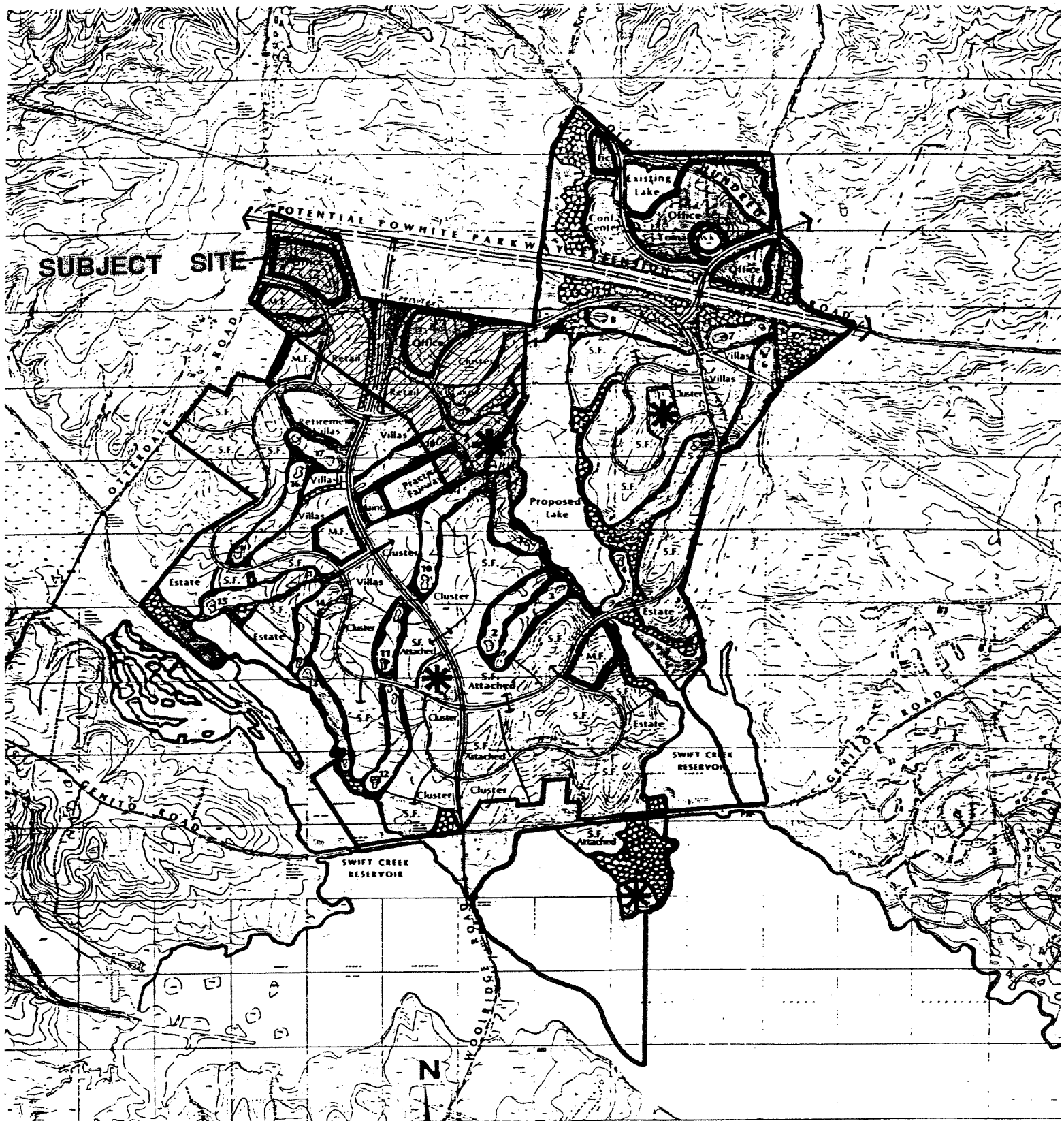
02SN0238
AMEND C.U.P.D.





APPROVED MASTER PLAN
Greenspring

02SN0238-1



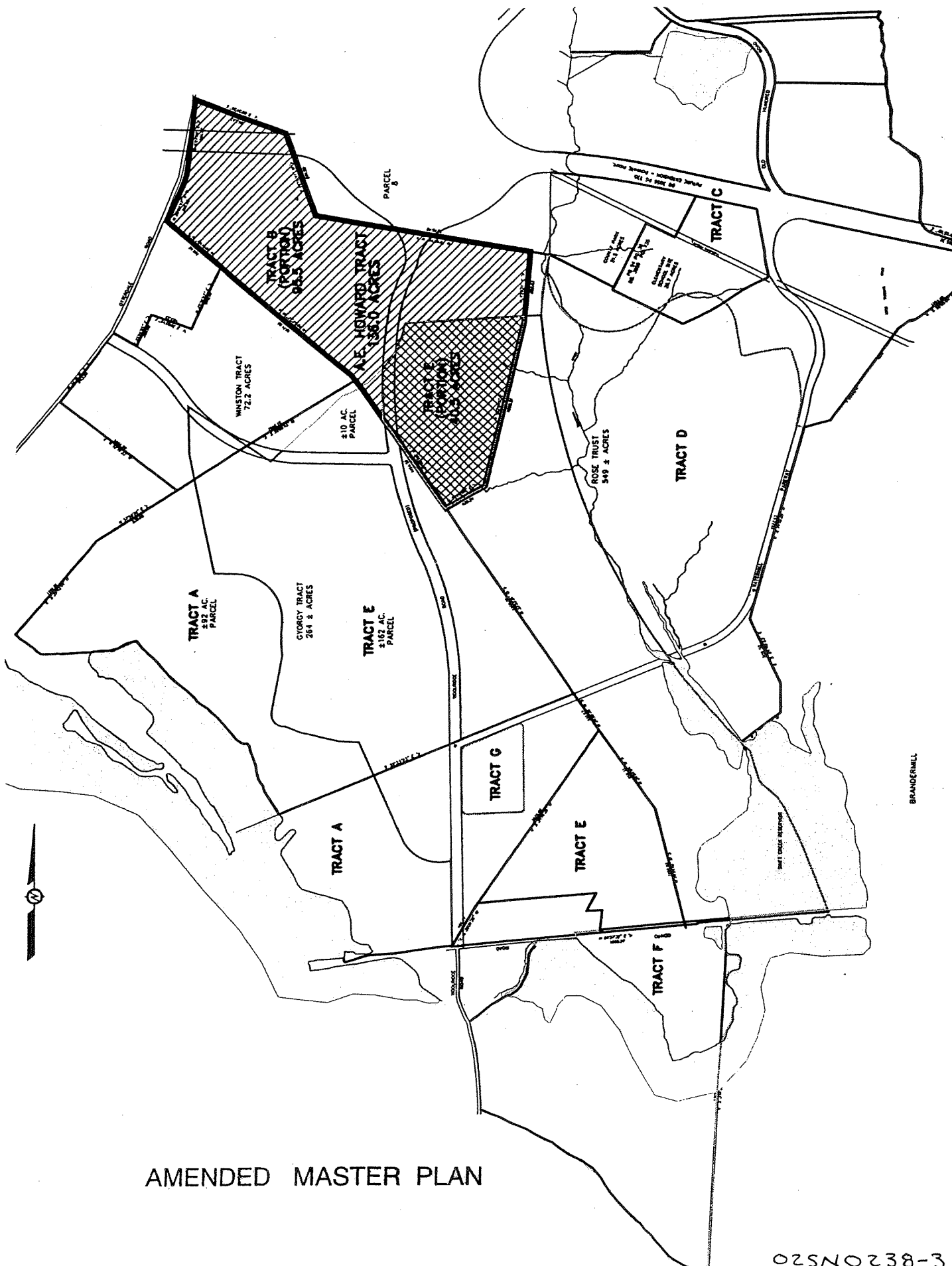
Greenspring

LEGEND

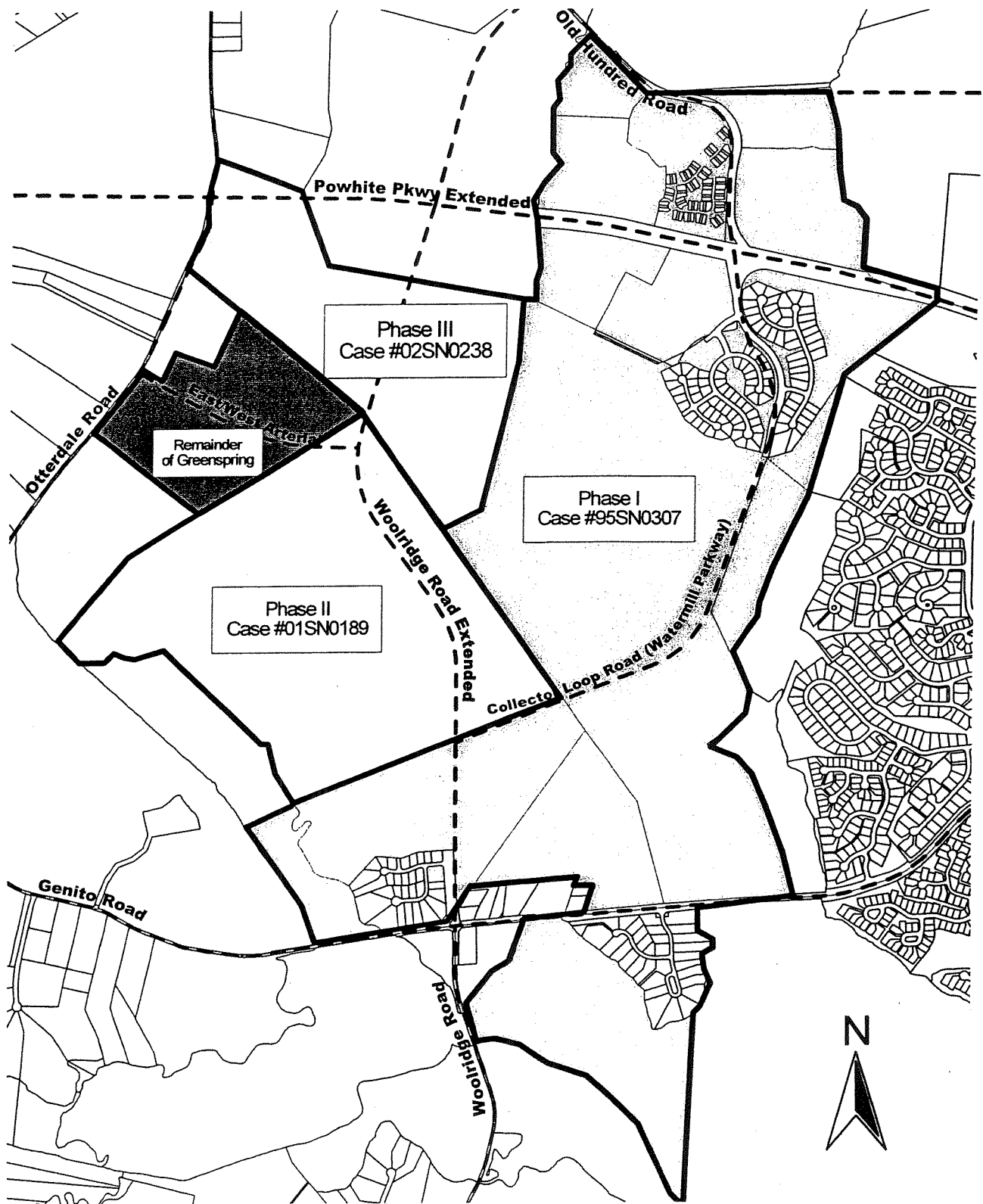
	Single Family/ Estate		Multi-Family		Conference Center
	Cluster		Retirement Villas		Retail
	Villas/ Single Family Attached		Recreation		Office

APPROVED CONCEPTUAL SITE DEVELOPMENT PLAN

02SN0238-2



025NO238-3



Greenspring
Boundaries of Phase I, Phase II,
Phase III and Remaining Parcel

02SN0238-4